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April 14, 2014

VIA EMAIL AND OVERNIGHT MAIL

Mr. Peter Magolske
U.S. Environmental Protection Agency
Office of Compliance and Enforcement
M/S OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Mr. Brian Monson
Idaho Department of Environmental Quality
1410 North Hilton Street
Boise, ID 83706

Re: Quarterly Progress Report – First Quarter 2014 (January 1 – March 31)
Administrative Order on Consent, Docket No. RCRA-10-2009-0186
Nu-West Industries, Inc. Conda Phosphate Operations

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph No. 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities associated with the Consent Order are being carried out.

I. Site Assessment Report

The following activities were conducted during First Quarter 2014, pursuant to (or related to) EPA’s May 15, 2013 comments on Nu-West’s *Site Assessment Report* (February 15, 2013):

- On January 10, 2014, Nu-West responded to EPA’s December 12, 2013 comments on the Laboratory Data Validation Report for 2012 (September 30, 2013). The letter requested a 30-day extension for submitting the revised data validation reports and addressed identified EPA comments.
- On February 21, 2014, Nu-West submitted to EPA and IDEQ the revised data validation reports, addressing EPA’s remaining comments.

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II. A-34 Lateral Assessment Work Plan

The following activities were conducted during First Quarter 2014, pursuant to (or related to) the EPA-approved *A-34 Lateral Assessment Work Plan* (January 9, 2013), prepared pursuant to the Consent Order:

- Nu-West continued providing to EPA and IDEQ monthly submittals *via* FTP site of water level and temperature measured by a pressure transducer and data logger installed in groundwater monitoring well A-34-022 and continued providing pH and fluid conductivity measured during bi-weekly sampling.

III. Updated Supplemental Work Plan

The following activities were conducted during First Quarter 2014, pursuant to (or related to) the EPA-approved *Updated Supplemental Work Plan, Revision 2* (July 29, 2013), prepared pursuant to the Consent Order.

- On February 20, 2014, Nu-West, EPA, and IDEQ met in Seattle, Washington to review findings of the 2013 investigations and discuss updates to the Conceptual Site Model. Nu-West also presented a preliminary assessment of potential steps to fill data gaps to advance and complete the site assessment work under the Consent Order.
- On March 31, 2014, Nu-West submitted to EPA and IDEQ the *Updated Site Assessment Report*. The report updates the *Site Assessment Report* (February 15, 2013), describing the procedures and results for investigations and monitoring conducted between 2010 and 2013 pursuant to the Consent Order.

IV. Groundwater Monitoring Plan

The following activities were conducted during First Quarter 2014, pursuant to (or related to) the *Revised Groundwater Monitoring Plan* (October 30, 2013), prepared pursuant to the Consent Order.

- On March 31, 2014, Nu-West submitted to EPA and IDEQ the 2013 Annual Groundwater Monitoring Report. Groundwater monitoring data included in the report were collected pursuant to and in accordance with the EPA-approved *Updated*



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Supplemental Work Plan, Revision 2, (July 29, 2013), and the Revised Groundwater Monitoring Plan, (October 30, 2013).

- Between March 7, 2014 and March 20, 2014, Nu-West conducted quarterly groundwater monitoring as detailed in the *Revised Groundwater Monitoring Plan* (October 30, 2013). The groundwater monitoring work included collecting water level measurements at 98 monitoring wells and groundwater samples from 69 monitoring wells.
- On January 16, February 13, and March 14, 2014, Nu-West conducted monthly groundwater monitoring as detailed in the *Revised Groundwater Monitoring Plan* (October 30, 2013). The groundwater monitoring work included collecting water level measurements at 13 monitoring wells and groundwater samples from 7 monitoring wells.

In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as Attachment A to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,



for P. Scott Burton

cc: J Wayne Maxie, Nu-West
Barry N. Burnell, IDEQ

Attachment – Certification

ATTACHMENT A

CERTIFICATION

I certify under penalty of law that the attached Quarterly Progress Report – First Quarter 2014 (January 1 – March 31) was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:



Name:

Josh Regan

Title:

Plant Manager, Nu-West Conda Phosphate Operations

Date:

4-14-2014